

## REMARKS

This is intended as a full and complete response to the Office Action dated April 17, 2009, having a shortened statutory period for response set to expire on July 17, 2009. Claims 1-3, 5-21, 26-41, 43, 44, 46, 48-55, 82-86, 90-101, 103-105, 107-109, and 111-115 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

### **Statement of Substance of Interview**

On June 17, 2009, a telephonic interview was held between Walter C. Grollitsch and the Examiner. The parties discussed the cited reference De Lucia (U.S. 2006/0108123). Claims 83 and 85 were also discussed.

The arguments and amendments herein are presented in accordance with the substance of the interview to place the application in condition for allowance.

### ***Claim Rejections Under 35 U.S.C. § 102***

The Examiner rejected claims 1-3, 5-7, 9, 10, 12-15, 17, 18, 20, 21, 26, 28-31, 34, 38, 41, 43, 44, 48, 50-55, 83-86 90, 91, 95-101, 103-105, 107-109 and 111-115 under 35 U.S.C. § 102(e) as being anticipated by De Lucia. Applicants respectfully traverse the rejection of independent claims 83, 84 and 115. Additionally, Applicants have amended independent claims 1, 85 and 86.

As amended, claim 1 includes the limitations of creating a vibration by injecting gas into fluid operatively associated with the tubing. As amended, claims 85 and 86 include the limitation of pushing a workstring downward (or applying a downward force) to translate the expansion device relative to the tubing. De Lucia fails to disclose these limitations. De Lucia merely discloses a method for expanding a wellbore with a conventional fluid powered vibrator which is different from creating a vibration by injecting gas into fluid operatively associated with the tubing as recited in claim 1. Further, De Lucia discloses expanding a tubular by moving the expansion cone upward [See paragraphs 0020 and 0027 and Figure 2b]. In the arrangement disclosed in De Lucia, the upward force must overcome the weight of the expansion cone (and the

tubular support member) to move the cone which is different from pushing a workstring downward (or applying a downward force) to translate the expansion device relative to the tubing as recited in claims 85 and 86.

Regarding claims 83 and 84, these claims have the limitation of creating a vibration by varying a pressure or by creating pressure pulses. Regarding claim 115, the claim includes the limitation of vibrating at least one of the tubing and the expansion device by varying the base pressure. De Lucia fails to disclose these limitations. De Lucia merely discloses a method for expanding tubing with vibrations created by varying the flow rate of fluid into the system [See paragraph 0030]. As is commonly known in the field of fluid dynamics, the rate of fluid flow is the volume of fluid which passes through a given surface per unit of time which is different from fluid pressure which is the pressure at some point within a fluid. Hence, varying the flow rate as disclosed in De Lucia is different from varying the fluid pressure as recited in the claims.

As the foregoing illustrates, De Lucia fails to teach each and every limitation of claims 1, 83, 84, 85, 86 and 115. This failure precludes De Lucia from anticipating claims 1, 83, 84, 85, 86 and 115. For these reasons, Applicants submit that claims 1, 83, 84, 85, 86 and 115 are in condition for allowance and respectfully requests withdrawal of the § 102(e) rejection. Additionally, any claims that depend from claims 1, 83, 84, 85, 86 and 115 are allowable for at least the same reasons as claims 1, 83, 84, 85, 86 and 115.

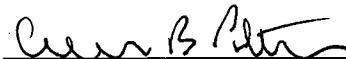
### ***Claim Rejections Under 35 U.S.C. § 103***

The Examiner rejected claims 32 and 37 under 35 U.S.C. § 103(a) as being unpatentable over De Lucia and Burge (US 2005/0145390). Applicants respectfully traverse the rejection. Claims 32 and 37 depend from claim 1. As set forth herein, De Lucia fails to disclose all the limitations of claim 1. Burge fails to cure the deficiencies of De Lucia. As such, the combination of De Lucia and Burge fail to render claims 32 and 37 obvious. Therefore, Applicants respectfully request the § 103(a) rejection be removed and allowance of the same.

***Conclusion***

Having addressed all issues set out in the office action, Applicants respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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